

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA**

COMPLAINT UNDER CIVIL RIGHTS ACT 42 U.S.C. § 1983

Action Number 3:18cv527
(To be supplied by the Clerk, U.S. District Court)

Please fill out this complaint form completely. The Court needs the information requested in order to assure that your complaint is processed as quickly as possible and that all your claims are addressed. Please print/write legibly or type.

I. PARTIES

A. Plaintiff:

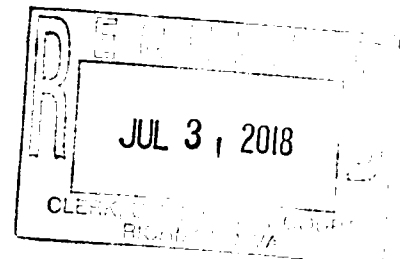
1. (a) Leonard Allen Morrison III (b) 0041931
(Name) (Inmate number)
- (c) P.O. Box 270
(Address)
- PORTSMOUTH VA 23707

Plaintiff MUST keep the Clerk of Court notified of any change of address due to transfer or release. If plaintiff fails to keep the Clerk informed of such changes, this action may be dismissed.

Plaintiff is advised that only persons acting under the color of state law are proper defendants under Section 1983. The Commonwealth of Virginia is immune under the Eleventh Amendment. Private parties such as attorneys and other inmates may not be sued under Section 1983. In addition, liability under Section 1983 requires personal action by the defendant that caused you harm. Normally, the Director of the Department of Corrections, wardens, and sheriffs are not liable under Section 1983 when a claim against them rests solely on the fact that they supervise persons who may have violated your rights. In addition, prisons, jails, and departments within an institution are not persons under Section 1983.

B. Defendant(s):

1. (a) Hampton police Department (b) Robbery Division etc.
(Name) (Title/Job Description)
- (c) Hampton Virginia 23510
(Address)



2. (a) ^{CPL.} Blake RYAN Trowbridge
(Name) (b) CORPORAL / STREET PATROL
(Title/Job Description)
- (c) Hampton POLICE DEPT. 665
(Address)
3. (a) ^{LT.} Richard EAWER
(Name) (b) Lieutenant / STREET PATROL
(Title/Job Description)
- (c) HPD
(Address)

If there are additional defendants, please list them on a separate sheet of paper. Provide all identifying information for each defendant named.

Plaintiff MUST provide a physical address for defendant(s) in order for the Court to serve the complaint. If plaintiff does not provide a physical address for a defendant, that person may be dismissed as a party to this action.

II. PREVIOUS LAWSUITS

- A. Have you ever begun other lawsuits in any state or federal court relating to your imprisonment? Yes [] No [✓]
- B. If your answer to "A" is Yes: You must describe any lawsuit, whether currently pending or closed, in the space below. If there is more than one lawsuit, you must describe each lawsuit on another sheet of paper, using the same outline, and attach hereto.

1. Parties to previous lawsuit:

Plaintiff(s) _____

Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county):

3. Date lawsuit filed: _____

4. Docket number: _____

5. Name of Judge to whom case was assigned: _____

6. Disposition (Was case dismissed? Appealed? Is it still pending? What relief was granted, if any?): _____

III. GRIEVANCE PROCEDURE

A. At what institution did the events concerning your current complaint take place: _____

B. Does the institution listed in "A" have a grievance procedure? Yes [] No [☒]

C. If your answer to "B" is Yes:

1. Did you file a grievance based on this complaint? Yes [] No [☒]

2. If so, where and when: _____

3. What was the result? _____

4. Did you appeal? Yes [] No [☒]

5. Result of appeal: _____

D. If there was no prison grievance procedure in the institution, did you complain to the prison authorities? Yes [] No [☒]

If your answer is Yes, what steps did you take? _____

E. If your answer is No, explain why you did not submit your complaint to the prison authorities: _____

IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

On June 12th I was present at the scene of a robbery in which my co-defendant James C. Gregory was in the Commission of Robbing a Game Stop in Hampton VA. He directed me while in possession of a firearm to relieve the store of certain items. I complied out of fear of being harmed. Before the crime was completed the Hampton Police officers arrived at the scene. Out of panic I fled the store ran through the woods and in to the parking lot in attempts to get to my vehicle. Once in a public parking lot I was approached by Lt. Richard Gainer at gun point. While on my way to the ground with ^{no} visible weapons on my person (admitted by the officer) Lt. Richard Gainer attempted to grasp my ~~throat~~ ^{throat} with his left ~~hand~~ ^{hand}. Thus allowing his loaded firearm to land on my right shoulder, once I saw his firearm near my face I proceeded to knock it off my body. The officer released his weapon in my grasp and immediately began to scream to his back up off. Trowbridge to open fire in a public parking lot. Upon hearing those demands I took off running in the hopes of putting as much distance between me and the officers as possible without being harmed. In the midst of doing aforementioned off. Trowbridge opened fire shooting 17 rounds through cars and all striking me twice in the back and once in the right rib. Injuries sustained paralysis from

From the waist down permanently as diagnosed by Surgeon at Riverside Hospice in Newport News VA.

On June 26th after having to undergo surgery for a collapsed lung I was released from Riverside Hospital without being afforded any physical therapy to help strengthen myself or mental health evaluation. I was released from the ICU not being able to sit-up, wash, use the restroom on my own, etc. etc. ~~the~~ Hampton Police Department knowing they could accommodate me in the condition I was in dropped me at HPRJ whom at the time had no idea what to do so they just threw me in a cell and that was that. I have 1 biological child and 2 children ~~that~~ that are my fiancée's all I'm asking is that I be compensated for the breach of several of my Constitutional Rights.

~~The~~ The Violations of my amendments Rights are as follows:

- 1) 2nd Amendment - my right to bear arms was infringed just because I have a gun doesn't give the officer to open fire in a public parking lot endangering innocent civilians without just cause.
- 2) 5th Amendment - There was no Grand Jury indictment on the Attempted capital murder along with the fact that private property was seized and I was failed to be compensated.
- 3) 6th Amendment, 7th Amendment, 8th Amendment, 9th Amendment, 10th & 14th Amendments were violated.

I'm also wanting and seeking compensation for lack of compassion, slander, defamation of character and Pain and suffering sustained from the incident AS well AS excessive ^{use} ~~of~~ of force. My car along with other personal possessions were confiscated and are being refused to be released to my family.

Leond [Signature] 7/28/18

V. RELIEF

I understand that in a Section 1983 action the Court cannot change my sentence, release me from custody or restore good time. I understand I should file a petition for a writ of habeas corpus if I desire this type of relief. L.M. (please initial)

The plaintiff wants the Court to: (check those remedies you seek)

☒ Award money damages in the amount of \$ 10,000,000

☐ Grant injunctive relief by _____

☐ Other _____

VI. PLACES OF INCARCERATION

Please list the institutions at which you were incarcerated during the last six months. If you were transferred during this period, list the date(s) of transfer. Provide an address for each institution.

Hampton Roads Regional Jail (6/26/18 - current) - VA BEACH CITY Jail (APR 3 Day)

2310 Elmhurst Lane VA BEACH VA 230132

Portsmouth VA 23707

VII. CONSENT

CONSENT TO TRIAL BY A MAGISTRATE JUDGE: The parties are advised of their right, pursuant to 28 U.S.C. § 636(c), to have a U.S. Magistrate Judge preside over a trial, with appeal to the U.S. Court of Appeals for the Fourth Circuit.

Do you consent to proceed before a U.S. Magistrate Judge: Yes [☒] No [☐]. You may consent at any time; however, an early consent is encouraged.

VIII. SIGNATURE

If there is more than one plaintiff, each plaintiff must sign for himself or herself.

Signed this 27th day of July, 2018.

Plaintiff Leonard Morrison II